THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No.16167 of 2002

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Dated: 21.02.2006

Between:

Smt. Ch. Ratnakumari, D/o Ch.K. Viswanadha Rao,

Resident of Akulavari Street, Governerpet, Vijayawada.

..... PETITIONER

AND

The Government of A.P., rep. by its Principal Secretary to

Government, Home (Arms) Department, Secretariat,

Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.16167 of 2002

Order:

Questioning the proceedings of respondent No.1 in Memo No. 41704/Arms/2001-2, dated 22.06.2002, confirming the orders of respondent No.2 in C. No. 2526/G1/2000, dated 21.10.2001, wherein the arms licence of the petitioner was cancelled, the present writ petition is filed.

The petitioner states that after the brutal murder of her husband in December 1989, on her application, respondent No.2 issued arms licence to her and by virtue of said licence she is in possession of DBBL Gun and N.P. Bore Revolver. While so, pursuant to the directions of respondent No.2, in connection with general elections to the State Legislative Assembly in the year 1999, she deposited the said arms in R.I., C.A.R. Stores, Vijayawada. Subsequently, respondent No.2 issued a show

cause notice dated 29.09.2001 calling upon her to show cause as to why her arms licence should not be revoked on the ground that her name figured as accused in six criminal cases and she was conducting private panchayats and settling disputes of the general public by resorting to threats and intimidation of innocent people etc., for which she submitted her explanation. Having not satisfied with the said explanation, respondent No.2, vide proceedings dated 21.10.2001, revoked her arms licence. Against the said orders, she preferred an appeal before respondent No.1, who vide proceedings dated 22.06.2002 rejected the same. The grievance of the petitioner is that respondent No.2, without considering the fact that there are no criminal cases pending against her and there is threat to her life, revoked her arms licence, which is illegal and arbitrary.

This Court, on 29.08.2002, while admitting the writ petition, passed interim orders in W.P.M.P. No. 20292 of 2002 suspending the order dated 02.08.2002 passed by respondent No.2 to sell the weapons of the petitioner.

Thereafter, a counter affidavit was filed by respondent No.2 along with vacate stay petition, *inter alia*, stating that the petitioner was involved in six criminal cases, particularly in Sessions Case
No. 209 of 1999 under Sections 363, 448, 302 read with Section 149 IPC, and therefore, the arms licence of the petitioner was revoked by proceedings dated 21.10.2001.

Since the said counter affidavit was filed long back, this Court, on 06.10.2005, directed the respondents to file additional counter affidavit indicating the latest position of the cases pending against the petitioner. Accordingly, on 26.12.2005, respondent No.2 filed an additional counter affidavit by stating that all the criminal cases pending against the petitioner ended in acquittal and as on date there is no case pending against the petitioner. However, it is stated that the petitioner is threatening the public at large and trying to settle civil disputes. She is also resorting to threat and intimidation of innocent people by summoning them to her residence through her followers; hence, her licence was revoked.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

Learned counsel for the petitioner submits that the criminal cases that were pending

against the petitioner ended in acquittal and as on date no case is pending against her. He further submits that the allegation of the respondents that the petitioner is interfering in civil disputes of the general public by resorting to threats and collecting amounts from them is nothing but a subsequent development to support the action of the respondents in revoking the arms licence of the petitioner. He, thus, prays to renew the licence of the petitioner.

Even though it is stated in the additional counter affidavit filed by respondent No.2 that the petitioner is interfering in civil disputes of the general public by resorting to threats and collecting amounts from them, the fact remains the same have not been mentioned in the earlier show cause notice issued to the petitioner. Be that as it may, it is admitted to by the learned Government Pleader for Home that all the criminal cases pending against the petitioner ended in acquittal.

Having regard to the averments made in the additional counter affidavit of respondent No.2 and the subsequent developments that have taken place during the pendency of the writ petition, I deem it appropriate to dispose of the writ petition with a direction to respondent No.2 to once again examine the issue of cancellation of the arms licence of the petitioner by affording an opportunity of hearing to her, and pass appropriate speaking order in accordance with law.

With the above direction, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 21.02.2006

Nsr/Ksr